

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-186715

DATE: July 23, 1976

MATTER OF: Graphics, Communications Systems, Inc.

DIGEST:

On June 15, 1976, offeror requested that GAO look into matter of rejection of its proposal and awards to other firms in February. Offeror had requested without response reasons for awards from contracting activity in April. Agency responded near end of June and debriefing was scheduled after July 19. Because June 9 letter contains no grounds of protest, matter is not for consideration. Lack of diligence in pursuing matter would make any subsequent protest untimely under Bid Protest Procedures.

Graphics, Communications Systems, Inc. (GCS), requests that we look into the matter of the rejection of that firm's offer under the Department of Labor request for proposals No. 4A-76-16, issued December 11, 1975.

Proposals were to be submitted to the contracting activity by January 7, 1976. By letter of February 18, GCS was advised, inter alia, that its proposal would not be considered, the names of the successful offerors, the number of contracts awarded, and the contract prices for the labor categories called for by the RFP. By letter of April 26 to the Department, the firm noted that its total price, taking into consideration all labor categories, had been among the lowest and asked for an "explanation or clarification of the reasoning behind the awarding of [the] contracts * * *." Because no explanation or clarification was received, by letter of June 9, received by our Office on June 15, GCS requested us to look into the matter. The agency responded to the firm's April 26 letter near the end of June. However, the protester is to be debriefed by the agency after July 19.

B-186715

The scheduled debriefing coupled with what has transpired casts doubt on whether any specific basis for protest has been uncovered as yet by the firm. Accordingly, because the June 9 letter to our Office contains no statement of any grounds of protest, the matter will not be considered.

In any event, we do not believe that the firm has diligently pursued the matter. While the firm did not know the exact basis for its not receiving an award, it was advised that awards had been made to other firms at specific prices. Rather than to inquire immediately or within a reasonable period of time as to why it had not, or to protest the fact that it had not, received award, GCS chose to wait over 2 months before inquiring of the Department of Labor as to what had occurred. Having received no answer, the firm addressed our Office almost 4 months after the advice that it had not been chosen for an award.

Therefore, any subsequent protest to our Office would be considered as untimely filed and not for consideration under our Bid Protest Procedures (4 C.F.R. part 20 (1976)). In this regard, 4 C.F.R. § 20.2 requires the filing of protests with the agency or our Office within 10 days after the basis of protest "should have been known."

Milton Aroca

for Paul G. Dembling
General Counsel